

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
POUGHKEEPSIE DIVISION**

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In Re:

CHAPTER 11

NEW YORK MILITARY ACADEMY

CASE NO. 15-35379 CGM

Debtor.
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**APPLICATION FOR ORDER APPROVING EMPLOYMENT
OF MARKETING CONSULTANT AND REAL ESTATE BROKER**

**TO: THE HONORABLE CECELIA G. MORRIS
CHIEF U.S. BANKRUPTCY JUDGE**

The application of the debtor, by its attorney, Lewis D. Wrobel, Esq., respectfully represents:

1. The debtor filed a petition under Chapter 11 of the Bankruptcy Code, 11 U.S.C. Section 1101 et seq. on March 3, 2015 and has continued in ownership of real property located in the Town of Cornwall, Orange County, New York and has continued to operate a preparatory school on this site.
2. The debtor believes that it is necessary to employ a marketing consultant and real estate broker in order to:
 - a. Obtain purchasers for its real property and its preparatory school;
 - b. Negotiate a sale of the Estate's real property and preparatory school.
3. Funds obtained from a sale of the Estate's real property will facilitate the payment of creditors and allow for the completion of Debtor's Plan of Reorganization.
4. The Debtor respectfully submits that such employment is necessary since without the same Debtor will be unable to obtain purchasers for the Estate's real property and for its preparatory school.
5. For such purposes the Debtor wishes to employ Hilco Real Estate LLC as its marketing consultant real estate broker. The Debtor has selected Hilco Real Estate LLC because it is

experienced, well respected and is familiar with the sale and value of preparatory schools. It is also experienced, well respected and familiar with the sale and value of real property throughout New York State. The Debtor believes that said firm is well qualified to perform the services as marketing consultant and real estate broker. A copy of the listing agreement is attached hereto as Exhibit A.

6. Hilco Real Estate LLC has sold properties throughout forty (40) states, Canada, and Mexico. Hilco Real Estate, LLC has a national presence.
7. That to the best of the Debtor's knowledge, said marketing consultant and real estate broker does not hold or represent an interest adverse to the estate, is a disinterested person within the meaning of 11 U.S.C. Section 101(14), does not and will not, while employed by the Debtor, represent, in connection with this case, a creditor, and has no connections with the creditors or any other party in interest and their respective attorneys.
8. The Debtor has been advised that Hilco Real Estate, LLC has established a budget of \$56,429.00 to market the Debtor's preparatory school and real property. Hilco Real Estate, LLC's commission structure will be as follows:
 - a. Three (3%) percent if a new, previously unidentified party is the winning bidder;
 - b. Two (2%) percent if one of the previously identified parties is the winning bidder;
 - i. A listing of the previously identified parties shall be conveyed to Hilco on or before 5:00 P.M. Central Time on September 16, 2015
 - c. One (1%) percent if the secured creditors use a credit bid as the winning bid, otherwise, Two (2%) percent if the secured creditor's bid is in excess of their debt in submitting the winning bid;
 - d. A Buyer's premium of three (3%) percent of the High Bid Price will be charged to the successful bidder. This will offset Hilco's commission as well as the marketing investment.

9. If Global Preparatory Academy purchases the School and real property pursuant to its current contract, the commission will be \$50,000. If Oriental Cambridge Group purchases the School and real property, the commission will be \$50,000. If Global Preparatory Academy or the Oriental Cambridge Group purchase the School and real property as part of the Auction Sale, the commission will be two (2%) percent.
10. The Debtor is of the opinion that the aforesaid compensation for the services to be rendered is reasonable.
11. No previous application has been made for the relief sought herein.

WHEREFORE, the Debtor respectfully prays for an Order approving the employment of Hilco Real Estate, LLC as marketing consultant and real estate broker for the Debtor, together with such other and further relief as to this Court may seem just and proper.

Dated: Poughkeepsie, New York
September 11, 2015

/s/ Anthony Desa
Anthony Desa, President
New York Military Academy
Academy

/s/ Lewis D. Wrobel
LEWIS D. WROBEL, ESQ.
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